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CHIEF CLERK'S OFFICE

Village of Burr Ridge, Illinois

Petition for 9-1-1 Emergency
Telephone System Plan

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01-0274

**DU PAGE COUNTY EMERGENCY TELEPHONE SYSTEM BOARD'S RESPONSE TO
THE VILLAGE OF BURR RIDGE'S MOTION TO DISMISS DU PAGE COUNTY
EMERGENCY TELEPHONE SYSTEM BOARD'S PETITION TO INTERVENE**

Comes now the DuPage County Emergency Telephone System Board and files its Response to the Village of Burr Ridge's Motion to Dismiss DuPage County Emergency Telephone System Board's Petition to Intervene in the above referenced docket. The DuPage County Emergency Telephone System Board moves that the Illinois Commerce Commission deny the Village of Burr Ridge's Motion to Dismiss. In support thereof, DuPage County Emergency Telephone System Board states as follows:

1. The Village of Burr Ridge failed to file the Motion to Dismiss in a timely manner with the Chief Clerk of the Illinois Commerce Commission. In addition, the Motion to Dismiss does not contain a verification as required for all filing with the Illinois Commerce Commission. Lastly, the Village of Burr Ridge has failed to attach a service list to the Motion to Dismiss. The filing requirements insure that procedural due process is afforded to the parties in a proceeding before the Illinois Commerce Commission. On April 6, 2001 oral argument was heard on the

Village of Burr Ridge's Motion to Dismiss over the objection of the DuPage County Emergency Telephone System Board. The failure of the Village of Burr Ridge to timely file their Motion to Dismiss and serve notice thereof, deprived the DuPage County Emergency Telephone System Board of its procedural due process rights.

2. DuPage County Emergency Telephone System Board admits that a letter dated July 26, 2000 (see attached letter) was sent from the Village of Burr Ridge to Mr. Robert A. Heap, Chairman, DuPage County Emergency Telephone System Board. The letter is self explanatory on its face. Pursuant to the terms of the Intergovernmental Agreement, the Village of Burr Ridge provided the DuPage County Emergency Telephone System Board with notice of its intention to withdraw from membership in the DuPage County Emergency Telephone System Board, effective April 30, 2001. The letter did not request action be taken by the DuPage County Emergency Telephone System Board. The letter did not indicate that the Village of Burr Ridge was taking any specific action on the July 26, 2000. Contrary to the assertion made in the Village of Burr Ridge's Motion to Dismiss, the July 26, 2000 letter did not give any notice that the Village of Burr Ridge was filing an application with the Illinois Commerce Commission, which is the subject of this proceeding.

The July 26, 2000 letter stated that the Village of Burr Ridge approved a contract with the Southwest Central 9-1-1 Board to provide 9-1-1 services. The DuPage County Emergency Telephone System Board could not conclude from this language that the Village of Burr Ridge was "switching emergency telephone systems." If the Village of Burr Ridge intended the July 26, 2000 letter to serve as notice of a filing for a 9-1-1 plan with the Illinois Commerce Commission, the letter clearly is not the type of notice required by 83 Illinois Administrative Code Part 725, subpart b, section 725.200. To draw the conclusion that the July 26, 2000 letter was something more than a

notice to withdraw membership from the DuPage County Emergency Telephone System Board would be clearly erroneous and contrary to the clear interpretation of the July 26, 2000 letter.

The Village of Burr Ridge's Motion to Dismiss claims that the July 26, 2000 letter states that the Village of Burr Ridge was withdrawing from the Darien Area Dispatch Center. Upon further examination of the letter, it is obvious, that the Village of Burr Ridge did not make such a statement on July 26, 2000. The Village of Burr Ridge can not create a notice where such notice did not exist.

Contrary to the Village of Burr Ridge's assertion, the DuPage County Emergency Telephone System Board exercised due diligence to ascertain whether or not the Village of Burr Ridge had in fact filed a petition with the Illinois Commerce Commission. As the Illinois Commerce Commission is aware, the Village of Burr Ridge's Petition for 9-1-1 emergency Telephone System Plan did not include notice to the DuPage County Emergency Telephone System Board. On March 29, 2001 a representative of Ameritech verbally informed the DuPage County Emergency Telephone System Board that the Village of Burr Ridge had filed a petition with the Illinois Commerce Commission. On March 29, 2001, the DuPage County Emergency Telephone System Board requested a copy of the Village of Burr Ridge's petition. On April 2, 2001, the Village of Burr Ridge provided a copy of the petition for the DuPage County Emergency Telephone System Board. On April 3, 2001, the copy of the Village of Burr Ridge's petition was obtained in person. The DuPage County Emergency Telephone System Board promptly filed a Petition to Intervene in Docket Number 01-0274. As the Illinois Commerce Commission has noted on the docket sheet, the Petition to Intervene was delivered via Federal Express. The DuPage County Emergency Telephone System Board responded with due diligence in the matter at hand and should not be estopped from participating in the proceedings.

3. The DuPage County Emergency Telephone System Board will continue to expend funds on behalf of the Village of Burr Ridge. Based on the July 26, 2000 letter, the DuPage County Emergency Telephone System Board's obligation to expend funds will terminate effective April 30, 2001. Unfortunately, the contracts entered into by the DuPage County Emergency Telephone System Board to provide 9-1-1 service to the residents of the Village of Burr Ridge will result in final invoices being generated after April 30, 2001. More specifically, the DuPage County Emergency Telephone System Board is under contract with Ameritech for fifteen cents a line for ani/ali, selective routing 9-1-1 service that is billed on a monthly basis. The Village of Burr Ridge does not submit its revenues for the corresponding month's expenditures until the Village of Burr Ridge receives its revenue from Ameritech and the other alternative local exchange carriers. This remittance process may take up to several weeks after expenditures have been made by the DuPage County Emergency Telephone System Board. To require the DuPage County Emergency Telephone System Board to expend funds on behalf of the Village of Burr Ridge and not require the Village of Burr Ridge to remit revenues to the DuPage County Emergency Telephone System Board is unjust and inequitable.

Furthermore, the DuPage County Emergency Telephone System Board could not terminate 9-1-1 service for the Village of Burr Ridge prior to April 30, 2001 for the sole purpose of generating a final invoice from Ameritech prior to April 30, 2001. The DuPage County Emergency Telephone System Board must continue to expend funds and patiently wait for Burr Ridge to receive its April, 2001 remittance from Ameritech. The financial accounting cycles does not comport with legal interpretation the Village of Burr Ridge asserts in its Motion to Dismiss.

4. The Village of Burr Ridge asserts that the DuPage County Emergency Telephone System Board has not made a showing that it is in the same position as either the complainant or

the respondent in which it is attempting to intervene. By virtue of the fact that the DuPage County Emergency Telephone System Board has contracted with Ameritech to provide 9-1-1 service to the residents of the Village of Burr Ridge, this is exactly the same position as the Village of Burr Ridge seeks to obtain in its Petition for a 9-1-1 Emergency System Plan. In addition, the voters of the DuPage County portion of Burr Ridge voted in the April 4, 1989 DuPage County 9-1-1 referendum question and by definition are part of the DuPage County Emergency Telephone System Board. It is these very voters that the Village of Burr Ridge seeks to affect through its Petition for a 9-1-1 System Plan.

5. The Village of Burr Ridge alleges that the Petition to Intervene is not signed by an officer of the Emergency Telephone System Board. The Petition to Intervene was signed by the Thomas K. Janaes in his capacity as Secretary of the DuPage County Emergency Telephone System Board. Therefore, the assertion by the Village of Burr Ridge has no merit.

The DuPage County Emergency Telephone System Board respectfully requests that the Illinois Commerce Commission deny the Village of Burr Ridge's Motion to Dismiss the DuPage County Emergency Telephone System Board's Petition to Intervene in Docket Number 01-0274.

Dated April 10, 2001

Respectfully submitted,



Thomas K. Janaes, Secretary
DuPage County Emergency Telephone System Board
421 N. County Farm Road
Wheaton, Illinois 60187

STATE OF ILLINOIS)
)
COUNTY OF DU PAGE)

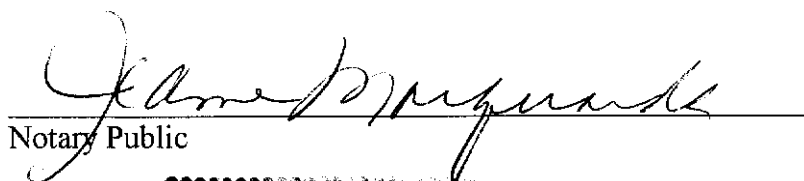
VERIFICATION

I, Thomas K. Janaes, being first duly sworn oath depose and say that I am the Secretary of the DuPage County Emergency Telephone System Board; that I am authorized to make this verification on behalf of the DuPage County Emergency Telephone System Board; that I have read the above and foregoing DuPage County Emergency Telephone System Board's Response to the Village of Burr Ridge's Motion to Dismiss the DuPage County Emergency Telephone system Board's Petition to Intervene in Docket 01-0274 by me subscribe and know the contents thereof; and that said contents are true and correct to the best of my knowledge, information and belief.

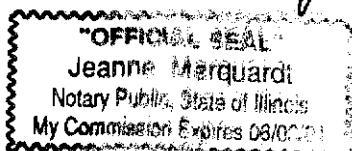


Thomas K. Janaes, Secretary
DuPage County Emergency Telephone System Board

Subscribed and sworn to before me this 10th day of April, 2001



Notary Public



**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

Village of Burr Ridge, Illinois)	
)	01-274
Petition for 9-1-1 Emergency)	
Telephone System Plan)	

NOTICE OF FILING

To: SEE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that on April 12, 2001, I caused to be filed with the Clerk of the Illinois Commerce Commission of the State of Illinois the DuPage County Emergency Telephone System Board's Response to the Village of Burr Ridge's Motion to Dismiss DuPage County Emergency Telephone System Board's Petition to Intervene, a copy of which is attached hereto.

DU PAGE COUNTY
EMERGENCY TELEPHONE SYSTEM BOARD

By: _____


Thomas K. Janaes
Secretary

Thomas K. Janaes
DuPage County
Emergency Telephone System Board
421 N. County Farm Road
Wheaton, Illinois 60187
(630) 682-7155

CERTIFICATE OF SERVICE

I, Thomas K. Janaes, a non-attorney, certify that I served this Notice of Filing and its attachments by forwarding copies to the below named persons at their respective addresses via e-mail, overnight mail delivery or facsimile transmission at or before 5:00 p.m. on April 12, 2001.

By: _____


Thomas K. Janaes

Service List 01-0274

Herbert Timm, Chief of Police
Village of Burr Ridge
7660 County Line Rd.
Burr Ridge, IL 60521

Village Clerk
Village of Burr Ridge
7660 County Line Rd.
Burr Ridge, IL 60521

Chairman
Cook County Board
Court House
Chicago, IL 60602

Chairman
DuPage County Board
421 N. County Farm Rd.
Wheaton, IL 60187

Countryside Police Department
5550 S. E. Ave.
Countryside, IL 60525

Cook County Sheriff's Department
9511 W. Harrison
Des Plaines, IL 60016

Willowbrook Police Department
7760 Quincy
Willowbrook, IL 60521

Indian Head Park Police Department
201 Acacia Drive
Indian Head Park, IL 60525

Willow Springs Police Department
8156 S. Archer Ave.
Willow Springs, IL 60480

Tri-State Fire Protection District
419 Plainfield Rd.
Darien, IL 60561

Pleasantview Fire Protection District
1970 Plainfield Rd.
LaGrange Highlands, IL 60525

Hinsdale Police Department
121 Symonds Drive
Hinsdale, IL 60521

Illinois State Police District Chicago
9511 W. Harrison St.
Des Plaines, IL 60016

Western Springs Police Department
740 Hillgrove Ave.
Western Springs, IL 60558

Christy Strawman
Illinois Bell Telephone Company
555 E. Cook St., Floor 1E
Springfield, IL 62721

Gary Cockran, Asst. Bureau Chief
Illinois State Police
Information Services Bureau
531 Sangamon Ave.
Springfield, IL 62702

DuPage County Sheriff's Department
501 N. County Farm Rd.
Wheaton, IL 60187

Terrence M. Barnicle
Klein, Thorpe and Jenkins, LTD.
20 North Wacker Drive
Suite 1660
Chicago, Illinois 60603-2903

Matthew L. Harvey
Office General Counsel
Illinois Commerce Commission
160 North LaSalle Street
Suite C-800
Chicago, Illinois 60601

Marci Schroll
Illinois Commerce Commission
160 North LaSalle Street
Suite C-800
Chicago, Illinois 60601

Leslie Haynes
Hearing Officer
Illinois Commerce Commission
160 North LaSalle Street
Suite C-800
Chicago, Illinois 60601

Thomas K. Janaes
DuPage County ETSB
421 N. County Farm Road
Wheaton, Illinois 60187

George Longmeyer
DuPage County ETSB
421 N. County Farm Road
Wheaton, Illinois 60187